

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE, MOTOR
ACCIDENT CLAIMS TRIBUNAL AT PONNERI.**

PRESENT: SELVI. R. JAGATHEESWARI, M.L.,

Presiding Officer Motor Accident Claims Tribunal

Dated this Tuesday the 21st day of July 2026,

M.C.O.P : 173 of 2022

CNR No: TNTR100008712022

Kotteswaran

.....Petitioner

(Versus)

1. S. Vijaya

2. United India Insurance Company Limited

.....Respondents

This petition is coming up before this tribunal for final hearing on 03.07.2026 in the presence of Mr. S. Balaji, Learned Counsel appearing for the Petitioner and Mr. T. Susai Raj, Learned Counsel appearing for the 2nd respondent and 1st respondent called absent and set exparte and upon perusing the records and on hearing both side arguments and having stood over for consideration till this day, this tribunal delivers the following:

ORDER

This petition has been filed under section 166 of Motor Vehicles Act 1988 and Rule 3 of Tamil Nadu Motor Vehicles Claims Tribunal Rules 1989, claiming compensation of Rs. 11,00,000/- towards the injury caused in a road traffic accident on 10.10.2021 along with interest from the date of filing of the petition till the date of

realization with costs.

2. Brief Averments of the Petition filed by the petitioner:

(i). The petitioner states that on 10.10.2021 at about 09.15 A.M. when the petitioner was riding a two wheeler bearing Reg No: TN 12 W 4191 on Sriram Nagar main Road, Noolambur and was nearing Febrex Loundary, at that time a Royal Enfield Two Wheeler bearing Reg No: TN 12 AP 4387 driven by its rider in a very rash and negligent manner came in opposite direction and hit the petitioner. As a result, petitioner sustained grievous injuries. The respondent driver of the Royal Enfield is responsible for the accident. The accident was occurred due to rash and negligent driving of the Royal Enfield bearing Reg No: TN 12 AP 4387. The first respondent is the owner of the vehicle and second respondent is the insurer of the vehicle, both are jointly and vicariously liable to pay compensation to the petitioner together with interest and cost.

3. Brief averments of the counter filed by the 2nd respondent:

(i). This respondent denies all the allegations made in the petition except those that are not specifically admitted herein. The petitioner is put to strict proof about the involvement of vehicle bearing Reg. No. TN 12 AP 4387 Bike mentioned the petition regarding the alleged accident and also about the Insurance of the same vehicle with the respondent's company. At the time of accident the above said driver of the vehicle

has no valid license. The petitioner is put to strict proof that policy was in force at the time of accident. The petitioner has not explained the delay in filing FIR for 69 days. The petitioner was riding Motor cycle bearing reg. No. TN 12 W 4191. The petitioner has no two wheeler driving license and he has not produced driving license at the time of vehicle inspection. Moreover, the negligence only on the part of the rider of the Bike. The petitioner, should implead the owner and insurer of the Bike and get compensation from the Bike owner and Insurance company. The petition is not maintainable due to non joinder and misjoinder of the parties to the proceedings. The petitioner has not filed AR copy, and Discharge summary. This respondent denies the petitioner's age. The petitioner put to strict proof of the allegations regarding in petition column No 11a,12,13,&13a. The petitioner has not explained history of the case in column No. 23 and 23a. This respondent reserves his right to file the additional counter as and when more particulars in respect of the alleged stage the alleged accident come to light to the knowledge of the respondent at a later stage.

(ii). This respondent hereby deny that the petitioner's claim in column No. 21 and also the claim made under various headings. The petitioner has restricted his claim but has not chosen to give details of the restrictions under various headings. The Petitioner mentioned in the petition column No 21 part I and II and the claim made in other headings are baseless. The petitioner has boosted up the claim under various headings without valid documentary proof. As per the new High court rulings

the petitioner should not claim Rs.3,00,000/- under the heading for loss of permanent disability. The owner of vehicle did not report the alleged accident and has not produced the documents pertaining to the vehicle such as policy, driving license of the driver for verification. This respondent may be permitted to contest the case on issue of negligence under Sec. 170 of MV Act on the failure of the owner and driver of vehicle when they remain exparte in the proceedings. For the above said reasons and further reasons that may be adduced at the time of evidence the respondent is not liable to pay compensation to the petitioner. In case of awarding of compensation the petitioner is entitled only at the rate of 6% interest as per the RBI Rules and Regulations. This petition is not maintainable either in law or on facts and liable to be dismissed. Hence he prays to dismiss the petition.

4. Points for consideration:

1. Who has attributed the accident which took place on 10.10.2021 ?
2. Whether the respondents are liable to pay compensation or not?
3. Whether the petitioner is entitled to compensation, if so what is the quantum?

5. On behalf of the petitioner, the petitioner himself examined as PW.1, through him Ex.P-1 to Ex.P-13 were marked. Disability Certificate issued by District Medical Board, Thiruvallur was marked as Ex.C1. No oral evidence and no documents has been marked on the side of 2nd respondent. Notice served. The 1st respondent called absent and set exparte on 08.10.2025.

6. Point No:1**Who has attributed the accident which took place on 10.10.2021 ?**

(I). It is the case of the petitioner that on 10.10.2021 at about 09.15 A.M. when the petitioner was riding a two wheeler bearing Reg No: TN 12 W 4191 on Sriram Nagar main Road, Noolambur and was nearing Febrex Loundary, at that time a Royal Enfield Two Wheeler bearing Reg No: TN 12 AP 4387 driven by its rider in a very rash and negligent manner came in opposite direction and hit the petitioner. As a result of this, the petitioner sustained Left Knee joint fracture and grievous injuries all over the body and he was treated as inpatient at Mahalakshmi Multispeciality Hospital, Chennai there after he was taken continuous treatment as outpatient. On behalf of the Petitioner, petitioner has filed proof affidavit and examined as PW.1. He reiterated the averments contained in the petition. Ex.P1 is the Attested copy of FIR, Ex.P2 is the Xerox Copy of Registration Certificate of 1st respondent's vehicle, Ex.P3 is the MV Report, Ex.P4 is the Wound Certificate, Ex.P-5 is the Xerox Copy of Petitioner's Aadhar Card, Ex.P-6 is the charge sheet, Ex.P-7 is the Discharge Summary, Ex.P-8 is the MRI Scan Report, Ex.P-9 is the medical bill, Ex.P-10 is the X-Ray, Ex.P-11 is the Xerox Copy of Petitioner's Driving License, Ex.P-12 is the Bank Statement and Ex.P-13 is the Petitioner's ID Card. Ex.C1 is the Disability certificate issued by District Medical Board, Tiruvallur. The medical board assessed the petitioner's disability as 25%.

(ii). On perusal of the F.I.R Ex.P-1 it reveals that the petitioner has lodged a complaint before TIW Thirumangalam Police Station, TIW West Chennai based on the above complaint, a case was registered against the driver of the first respondent's vehicle under sections 279, 337, 134(a), 134(b) and 187 of IPC in Crime No.244/2021 on the file of TIW Thirumangalam Police Station. The 1st respondent had not challenged the FIR. Moreover, PW-1 had deposed that when the petitioner was riding a two wheeler bearing Reg No: TN 12 W 41941 on Sriram Nagar main Road, Noolambur and was nearing Febrex Loundary, at that time a Royal Enfield Two Wheeler bearing Reg No: TN 12 AP 4387 driven by its rider in a very rash and negligent manner came in opposite direction and hit the petitioner. Charge sheet has been filed against the driver of the 1st respondent's vehicle and the same has been marked as Ex.P-1. On perusal of case records, it reveals that the 1st respondent's driver has not possessed valid driving license to drive the two wheeler. Hence it is made out that the accident was happened due to the rash and negligent driving of the 1st respondent's vehicle. Point No: 1 is answered against the 1st respondent.

7. Point No : 2

Whether the respondents are liable to pay compensation or not?

Ex.P-2 is the Copy of Registration Certificate of the Respondent's vehicle. It is made out that the accident was happened due to the rash and negligent driving of the respondent's vehicle. Ex.P-3 reveals that the 1st respondent's vehicle was insured with

this 2nd respondent insurance company. The 1st respondent's driver has not possessed valid driving license at the time of accident. Hence it is fit case to apply pay and recovery method. Therefore, the 2nd respondent is liable to pay the compensation and recover from the 1st respondent. Hence, point No. 2 for consideration is answered accordingly.

8. Point No : 3

Whether the petitioner is entitled to compensation, if so what is the quantum?

(i) Loss of Income:

The petitioner was examined himself as PW-1, he stated that the petitioner was aged about 49 years. He was working in a private firm and was earning a sum of Rs. 25,000/- per month for which he has not filed any document to prove his income. The petitioner's identity card has been marked as Ex.P-13. The bank statement has been marked as Ex.P-12. Ex.P-6 is the Discharge summary, it is seen that the petitioner sustained Left Knee Fracture and Left proximal tibia fracture. Therefore, this court considers that the injury sustained by the petitioner is grievous in nature. He could have been taken nearly 9 months to recover. Hence this tribunal considering the age of the petitioner the monthly income is fixed at Rs. 10,000/- per month. After taking into account various decisions of Hon'ble High Court of Madras and as per minimum Wages Act the loss of income during medical treatment is awarded as Rs. 10,000x9 = Rs. 90,000/-.

(ii) Loss due to permanent Disability:

The medical board assessed the petitioners disability as 25%. Hence, applying the ratio in *2018 (1) MWN (civil) 1 (Oriental Insurance Company Ltd., Vs Perumal & others)* the Hon'ble High Court of Madras has fixed Rs.5,000/- per percentage. Applying the same, the loss of the petitioner due to disability compensation is arrived at Rs.5000/- per percentage and for 25% it works out to **Rs. 1,25,000** (Rs.5000X25%).

(iii) Medical Expenses: The petitioner was taken treatment at Sri Ramachandra Hospital, Chennai and the petitioner has produced medical bills which is marked as Ex.P-9. Hence the petitioner is entitled to claim amount of Rs. 1,66,579/- under this head.

(iv) Attender charges : The petitioner has filed a copy of Discharge Summary. It reveals that the petitioner was taken treatment on 23.10.2021 to 26.10.2021 at Mahalakshmi Multispeciality Hospital. Hence he is entitled for 4 days attender charges, at the rate of Rs.1,600/- (Rs. 400/- per day).

(v) Transport charges: Considering the medical treatment taken by the petitioner, he would have incurred transportation expenses. Hence transportation charges is arrived at **Rs.10,000/-**.

(vi) **Extra Nourishment & Damage to clothing & Articles:** Considering the nature of accident, the injuries suffered by the petitioner and the period of treatment, it will be just and necessary to provide a sum of **Rs.10,000/-** towards extra nourishment and **Rs.1,000/-** towards damages to clothing and articles.

(vii) **Loss of amenities:** The petitioner would not act as before the accident due to the injuries suffered by him. Hence considering these facts, it would be just and proper to award a sum of **Rs. 30,000/-** towards loss of amenities.

(viii) **Pain and sufferings :** Considering the nature of injury, disability and the nature of treatment taken by the petitioner, it is just and proper to award **Rs. 30,000/-** towards pain and sufferings of the petitioner.

Therefore the just compensation is assessed as follows :

CALCULATION:

1. Loss of income	Rs. 90,000/-
2.Loss of permanent disability	Rs. 1,25,000/-
3.Medical Expenses	Rs. 1,66,579/-
4.Attender charges	Rs. 1,600/-
5.Towards Transport charges	Rs. 10,000/-
6. Towards Extra Nourishment	Rs. 10,000/-
7.Damage to cloth and articles	Rs. 1,000/-
8. Loss of amenities	Rs. 30,000/-
9.Pain and sufferings	Rs. 30,000/-

Total	Rs. 4,64,179/-

In view of the findings given in points the petitioner is entitled for compensation a sum of Rs. 4,64,179/- together with interest at 7.5% from the date of presentation of petition till the date of realization, together with cost. Point No: 3 for consideration is answered accordingly.

Result:

In the result, this petition is allowed.

1. That the petitioner is entitled to get a sum of Rs. 4,64,179/- from the respondents as compensation along with subsequent interest at the rate of 7.5% p.a from the date of this petition to till its realization.
2. That the 2nd respondent is hereby directed to deposit the award amount of Rs. 4,64,179/- (*Rupees Four Lakhs Sixty Four Thousand One Hundred and Seventy Nine only (including interim award passed if any)*) together with an interest at the rate of 7.5% per annum from the date of presentation of petition (i.e) 04.07.2022 to till the date of realization, excluding the default period of his own if any. The 2nd respondent is entitled recover the total amount of award from the 1st respondent as per Pay and Recovery principle.
3. The above said award amount is directed to be deposited by the second respondent in the court MACT account through the URL Link/QR Code



<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?saralID=912678056>

hosted in the Thiruvallur District Court website <https://tiruvalur.dcourts.gov.in/mact-award-deposits/> within two months from the date of order under due intimation to this tribunal Email ID: trlpon.sc-tn@indiancourts.nic.in with MCOP numbers.

4. After deposit, the respondent is hereby directed to send bank deposit copies and inform to this tribunal and the petitioner or his counsel.

5. That the petitioner is permitted to withdraw their entire award amount along with interest and award amount will be directly transferred into petitioner's Account mentioned in the bank details column through NEFT or RTGS on filing necessary and appropriate application.
6. The petitioner has paid the Court Fee of Rs. 375/-. The petitioner is directed to pay the balance court fee within 2 weeks from the date of this order.

Dictated to the Steno - Typist, typed by him, corrected and pronounced by me in the open court on this the 21st day of July 2026.

Presiding Officer,
Motor Accident Claims Tribunal,
Ponneri.

List of Witnesses on the side of Petitioner:-

- | | | |
|-----------------------|---|------|
| 1. Thiru. Kotteswaran | - | PW-1 |
|-----------------------|---|------|

List of Exhibits marked on the side of the petitioner:-

- | | | | |
|-----|---|--|-----------|
| 1. | - | - True copy of the FIR and complaint | - Ex.P-1 |
| 2. | - | Registration Certificate | - Ex.P-2 |
| 3. | - | MV Report | - Ex.P-3 |
| 4. | - | Wound Certificate | - Ex.P-4 |
| 5. | - | Xerox Copy of Petitioner's Aadhar Card | - Ex.P-5 |
| 6. | - | Charge Sheet | - Ex.P-6 |
| 7. | - | Discharge Summary | - Ex.P-7 |
| 8. | - | Continuous Medical Treatment | - Ex.P-8 |
| 9. | - | Medical Bills | - Ex.P-9 |
| 10. | - | X-Ray | - Ex.P-10 |
| 11. | - | Driving License of the respondent | - Ex.P-11 |
| 12. | - | Bank Statement | - Ex.P-12 |
| 13. | - | Xerox Copy of Petitioner's ID Card | - Ex.P-13 |

1. - - Disability certificate - Ex.C-1

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